

## UNITED STATES DEPARTMENT OF AGRICULTURE

AGRICULTURAL ADJUSTMENT ADMINISTRATION

WASHINGTON, D. C.

(General Sugar Regulations Series 2, No. 1)

## ENTRY OF SUGAR INTO THE CONTINENTAL UNITED STATES

## GENERAL SUGAR REGULATIONS MADE BY THE SECRETARY OF AGRICULTURE UNDER THE AGRICULTURAL ADJUSTMENT ACT

UNITED STATES DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1937, approved September 1, 1937, I, H. A. Wallace, Secretary of Agriculture, in order to carry out the powers vested in me by the said act, do hereby make, prescribe, publish, and give public notice of these regulations, which shall have the force and effect of law and shall remain in force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture.

1. All persons are hereby forbidden from bringing or importing into the continental United States sugar or liquid sugar produced in any area outside of continental United States, except through customs ports of entry. The collectors of customs shall not permit any such sugar or liquid sugar to enter continental United States unless and until there shall be furnished proof as to the following matters satisfactory to the collector of customs (an affidavit in duplicate (Form SS-3) subscribed and sworn to by the consignee as to such matters may be accepted by the collector of customs as satisfactory proof thereof): (1) The area in which such sugar or liquid sugar was produced, (2) the port from which such sugar or liquid sugar was brought, (3) the names of the consignor, consignee, shipper, and owner, (4) the kind or type and identification marks of such sugar or liquid sugar, (5) the purpose for which such sugar or liquid sugar is brought into continental United States, to wit, whether such sugar or liquid sugar is for consumption in or for export from continental United States, either in the state in which it is being brought or imported into continental United States, or after it has been further refined or otherwise improved in quality, (6) the allotment, if any, under which such sugar or liquid sugar is being brought or imported into continental United States, and (7) the polarization and the weight of such sugar and the total sugar content and quantity of such liquid sugar.

2. Upon notification by the Secretary of Agriculture that sugar or liquid sugar produced in any particular area outside of continental United States has, during any calendar year, been brought into continental United States for consumption therein in amounts totaling the amount of the quota fixed by the Secretary of Agriculture for that area for such calendar year, collectors of customs shall permit no further sugar or liquid sugar from such area to enter



side of continental United States has, during any calendar year, been brought into continental United States for consumption therein in amounts totaling the amount of the quota and/or allotments fixed by the Secretary of Agriculture for that area for such calendar year, the Secretary of Agriculture may nevertheless authorize collectors of customs to permit sugar or liquid sugar from such area to enter continental United States for consumption therein, if and when an equivalent amount of sugar or liquid sugar theretofore entered as a part of the quota from the same producing area is delivered to any collector of customs in the place and stead thereof and in substitution therefor, to be held in customs control until thereafter authorized by the Secretary of Agriculture to be released therefrom: *Provided, however,* That no such authorization will be issued by the Secretary of Agriculture unless and until: (1) An application for such authorization has been filed with the Secretary of Agriculture, or his authorized agent, setting forth the reason for requesting such substitution; (2) there shall first be shown to his satisfaction, by such proof as he may require, that the sugar or liquid sugar tendered in substitution and the sugar or liquid sugar sought to be entered (i) were produced in and brought from the same area, (ii) have the equivalent weight translated into terms of pounds of sugar polarizing 96°, or, in the case of liquid sugar, the equivalent quantity translated into terms of 72 percent total sugar content, and (iii) are owned or contracted for by the same person; (3) the owner of the sugar or liquid sugar tendered in substitution shall agree in writing that such sugar or liquid sugar shall be treated in the same manner and shall be subject to the same rules and regulations as the sugar or liquid sugar for which it is tendered in substitution would have been treated and subjected if substitution therefor were not permitted; and (4) the owner of the sugar or liquid sugar tendered in substitution shall agree in writing to be responsible for all storage charges and other expenses in connection with the retention of the substituted sugar or liquid sugar in customs control until the time of release of such sugars against an applicable quota; and, in the event that such sugars are not so withdrawn when notification is given by the Secretary of Agriculture or his agent, the sugars may be treated as abandoned to the Government and may be sold at such time and under such conditions as the Secretary of Agriculture shall determine will best protect the interests of the Government and the owner, subject to payment to the said owner of the surplus proceeds, if any, after the payment of all charges and other expenses. Any sugar or liquid sugar which has become subject to sale hereunder may, at any time before sale, be withdrawn under such conditions as the Secretary of Agriculture may prescribe.

**SEC. 2. Rescission of prior regulations.**—The regulations in this part shall supersede General Sugar Regulations, Series 2, No. 1, issued September 16, 1937.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 12th day of July 1941.

[SEAL]

PAUL H. APPLEYBY,  
Acting Secretary of Agriculture.

UNITED STATES DEPARTMENT OF AGRICULTURE

AGRICULTURAL ADJUSTMENT ADMINISTRATION

WASHINGTON, D. C.

(General Sugar Regulations, Series 2, No. 2)

**REGULATIONS GOVERNING NOTICE AND OPPORTUNITY  
FOR HEARING CONCERNING ALLOTMENT OF QUOTAS  
OR PRORATIONS THEREOF AND THE ISSUANCE OF  
ORDERS PERTAINING THERETO**

**GENERAL SUGAR REGULATIONS MADE BY THE SECRETARY OF  
AGRICULTURE UNDER THE SUGAR ACT OF 1937**

**UNITED STATES DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY.**

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1937, approved September 1, 1937, I, H. A. WALLACE, Secretary of Agriculture, in order to carry out the powers vested in me by the said act, do hereby make, prescribe, publish, and give public notice of these regulations, which shall have the force and effect of law and shall continue in force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture.

**ARTICLE I—DEFINITIONS**

SECTION 100. As used in these regulations:

(a) The term "Act" means the Sugar Act of 1937, approved September 1, 1937.

(b) The term "Secretary" means the Secretary of Agriculture of the United States.

(c) The term "Department" means the United States Department of Agriculture.

(d) The term "Hearing Clerk" means the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C.

(e) The term "Federal Register" means the publication provided for by the Act of July 26, 1935.

(f) The term "person" means an individual, partnership, corporation, or association.

**ARTICLE II—HEARING ON ALLOTMENTS OF QUOTAS AND PRO-  
RATIONS THEREOF**

SECTION 200. **When Held.**—Whenever the Secretary finds that the allotment of any quota or any proration thereof is necessary to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate and foreign commerce, or to prevent disorderly marketing or importation of sugar or liquid sugar, or to maintain a continuous and stable supply of sugar or liquid sugar, or to afford all interested persons an equitable opportunity to market sugar or liquid



shall transmit to the Hearing Clerk an original and three copies of the transcript of the testimony and the original and all copies of exhibits not already on file in the office of the Hearing Clerk. He shall attach to the original transcript of the testimony a certificate stating that the transcript is a true transcript of the testimony given at the hearing except in such particulars as he shall specify, and that the exhibits transmitted are all the exhibits introduced at the hearing with such exceptions as he shall specify. A copy of such certificate shall be attached to each of the copies of the transcript of testimony. In accordance with such certificate the Hearing Clerk shall note upon each copy of the transcript each correction detailed therein by adding or crossing out (but without obscuring the text as originally transcribed) at the appropriate place any words necessary to make the text conform to the correct meaning.

**SECTION 209. Copies of Record.**—Any person desiring a copy of the transcript of the testimony or of any filed written exhibit or written argument shall be entitled to the same upon application to the Hearing Clerk and upon payment of fees therefor as provided by the regulations of the Department.

### ARTICLE III—ISSUING ALLOTMENTS OF QUOTAS AND PRORATIONS THEREOF

**SECTION 300. Notice of Issuance of Order of Allotment.**—Whenever, on the basis of the evidence adduced at a hearing, any order of the Secretary allotting any quota, or any proration thereof, or revising or amending any existing allotment, is issued, a duplicate original order thereof shall thereupon be filed in the office of the Hearing Clerk for public inspection there, and such order shall be published in the Federal Register.

**SECTION 301. Copies of Allotment Orders.**—Upon application to the Hearing Clerk, any person shall be entitled to a copy of any order allotting any quota or any proration thereof which has been finally approved.

### ARTICLE IV—PUBLIC NOTICE OF FOREGOING REGULATIONS

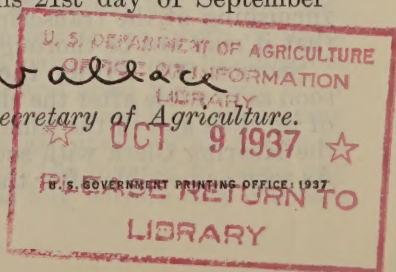
**SECTION 400. How Given.**—Public notice of the issuance of the foregoing regulations shall be given by (a) posting a copy of such regulations on the official bulletin board maintained by the Hearing Clerk; (b) publication in the Federal Register; and (c) issuing a press release containing a description of such regulations and thereafter making available in the office of the Hearing Clerk copies of such regulations for the press.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 21st day of September 1937.

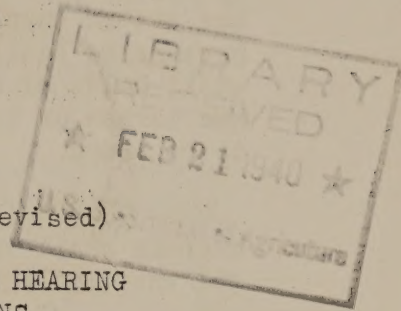
*Hawalle*

*Secretary of Agriculture.*





UNITED STATES DEPARTMENT OF AGRICULTURE  
SUGAR DIVISION



(General Sugar Regulations, Series 2, No. 2, Revised)

REGULATIONS GOVERNING NOTICE AND OPPORTUNITY FOR HEARING  
CONCERNING ALLOTMENT OF QUOTAS OR PRORATIONS  
THEREOF AND THE ISSUANCE OF ORDERS  
PERTAINING THERETO

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1937, approved September 1, 1937, I, H. A. Wallace, Secretary of Agriculture, in order to carry out the powers vested in me by the said act, do hereby make, prescribe, publish, and give public notice of these regulations (Secs. 1 to 19), which shall have the force and effect of law and shall continue in force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture.

DEFINITIONS

Sec. 801.21. As used in these regulations:

(a) The term "Act" means the Sugar Act of 1937, approved September 1, 1937.

(b) The term "Secretary" means the Secretary of Agriculture of the United States.

(c) The term "Sugar Division" means the Sugar Division of the United States Department of Agriculture.

(d) The term "Hearing Clerk" means the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D.C.

(e) The term "Federal Register" means the publication provided for by the Act of July 26, 1935, and acts supplementary thereto and amendatory thereof.

(f) The term "person" means an individual, partnership, corporation, or association.

HEARING ON ALLOTMENTS OF QUOTAS AND PRORATIONS THEREOF

Sec. 801.22. When held. Whenever the Secretary finds that the allotment of any quota or any proration thereof is necessary to assure an orderly and adequate flow of sugar or liquid sugar in the channels of



interstate and foreign commerce, or to prevent disorderly marketing or importation of sugar or liquid sugar, or to maintain a continuous and stable supply of sugar or liquid sugar, or to afford all interested persons an equitable opportunity to market sugar or liquid sugar, he shall hold, or cause to be held, one or more hearings and give persons who market or import sugar or liquid sugar due notice and opportunity to be heard.

Sec. 831.23. Notice of hearing: (a) The notice with respect to any hearing shall include a brief summary of the purpose of the hearing, and the time and place of such hearing.

(b) The Hearing Clerk shall give such notice in the following manner:

(1) By publication of such notice in the Federal Register.

(2) By issuing a press release containing or describing such notice and making the same available to such newspapers as will reasonably tend to bring notice to the persons entitled to allotments.

(3) Such other means may be used to give notice, in addition to the above, as are calculated to give actual notice to such persons.

(4) Failure to give notice by any one or more of the means herein provided shall not invalidate, or limit the application of, any order allotting any quota or any proration thereof, provided due notice otherwise has been given.

(c) Proof of giving notice hereunder shall be made by the affidavit of the Hearing Clerk. Such affidavit shall be filed by the Hearing Clerk and the filing thereof noted on a docket. Whenever such affidavit has been filed, it shall constitute a paper or document of the United States Department of Agriculture within the meaning of Title 28, Section 661, of the United States Code.

(d) The notice of hearing shall be issued at least ten days prior to the date fixed for the hearing set forth in said notice unless the Secretary shall determine that an emergency exists which requires a shorter period of notice, in which case the period of notice shall be that which the Secretary may determine to be reasonable in the circumstances.

Sec. 831.24. Designation and powers of presiding officer. Each such hearing shall be conducted by a presiding officer, who shall be the Secretary or such officer or employee of the United States Department of Agriculture as the Secretary may designate for that purpose. Any such designation may be made or revoked by the Secretary at any time. Such hearing shall be conducted in a manner to be determined by the presiding officer to afford a full, fair, and reasonable hearing, subject to the



provisions of the Act and applicable regulations issued pursuant thereto.

Sec. 801.25. Continuance of hearing. Each such hearing shall be held at the time and place set forth in the notice of hearing, but may at such time and place be continued by the presiding officer from day to day or adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing.

Sec. 801.26. Submission of evidence. All persons, including those testifying in behalf of the Sugar Division, shall be given reasonable opportunity to offer evidence with respect to matters specified in the notice of hearing. Every witness shall, before proceeding to testify, be sworn or make affirmation, after which he shall state his name, address, occupation, and whom he represents at the hearing, and shall give such other information respecting his appearance as the presiding officer may request. The presiding officer shall confine the evidence to relevant matters but need not apply the technical rules of evidence. Affidavits as to relevant economic facts may be admitted in evidence, but the Secretary, in determining the weight to be given to such affidavits, will consider the lack of opportunity for cross-examination. Opinion evidence shall be admitted where the presiding officer is satisfied that the witness is qualified to give such evidence. If any person objects to the admission of any evidence offered against him, or to the rejection of any evidence offered by him, or to the limitation of the scope of any evidence introduced by him, he shall state the grounds of such objection.

Sec. 801.27. Order of procedure: (a) The presiding officer shall read the notice of hearing and the designation of the presiding officer, and shall then outline briefly the procedural rules to be followed:

(b) Evidence shall then be received with respect to the matters specified in the notice of the hearing in such order as the presiding officer may prescribe.

Sec. 801.28. Transcript of the evidence. Testimony given at a hearing shall be reported verbatim. All written statements, charts, tabulations, or similar data offered in evidence at the hearing shall, after identification by the proponent and upon satisfactory showing of the authenticity, relevancy, and materiality of the contents thereof, be numbered as exhibits and received in evidence and made a part of the record. Such exhibits shall, if possible under the circumstances, be submitted in quadruplicate and in typewritten, printed, or mimeographed form. In case the required number of copies is not made available, the presiding officer shall exercise his discretion as to whether said exhibit shall be read in evidence or whether additional copies shall be required to be submitted within a time to be specified by the presiding officer. Where the testimony of a witness refers to a statute, or to a report or published document of a public nature, the presiding officer may, after inquiries relating to and identification of such document, determine whether the same shall be produced at the hearing and physically be made a part of the record or whether it shall



be incorporated into the record of the hearing by reference. Documents of a private nature may be incorporated in the record by reference if there is no objection made thereto at the time by any party at interest. Where relevant and material matter offered in evidence is embraced in a document containing matter not material or relevant, such immaterial and irrelevant parts shall be excluded and shall be segregated insofar as practicable.

Sec. 801.29. Written arguments; suggested findings of fact. The presiding officer shall announce at the hearing a reasonable period within which the interested persons and the Sugar Division may file with the Hearing Clerk written arguments or suggested findings of fact, or both, based solely on the evidence received at the hearing. Such period may be extended by the presiding officer for good cause, such as delay in the furnishing of the transcript of the evidence or the transcript being of such volume that it may not be thoroughly digested within the period first fixed.

Sec. 801.30. Filing the transcript of the evidence. The presiding officer shall, as soon as practicable after the close of a hearing, notify the Hearing Clerk of its close and of the time for filing written arguments and suggested findings of facts, and furnish the Hearing Clerk with such other information as may be necessary. As soon as practicable after the close of the hearing, the presiding officer shall transmit to the Hearing Clerk an original and three copies of the transcript of the testimony and the original and all copies of exhibits not already on file with the Hearing Clerk. He shall attach to the original transcript of the evidence a certificate stating that the transcript is a true transcript of the testimony given at the hearing, except in such particulars as he shall specify, and that the exhibits transmitted are all the exhibits introduced at the hearing, with such exceptions as he shall specify. A copy of such certificate shall be attached to each of the copies of the transcript of evidence. In accordance with such certificate, the Hearing Clerk shall note upon the original and upon each copy of the transcript each correction detailed therein by adding or crossing out at the appropriate place any words necessary to make the text conform to the correct meaning.

Sec. 801.31. Copies of the transcript of the testimony, etc. Any person desiring a copy of the transcript of the testimony or of any written exhibit or written argument shall be entitled to the same upon application to the Hearing Clerk and upon payment of fees therefor as provided by the regulations of the United States Department of Agriculture.

ISSUANCE OF TENTATIVE FINDINGS OF FACT,  
CONCLUSIONS, AND ORDER; TRANSMITTAL OF RECORD

Sec. 801.32. Order of procedure. The presiding officer, within a reasonable time after the expiration of the period allowed for the filing of written arguments, suggested findings of fact, or both, as provided in Sec. 801.29, shall prepare, upon the basis of the evidence presented at the hearing, tentative findings of fact, conclusions, and order, which shall be served by publication in the Federal Register, and by



mailing to each person whose appearance was noted at the hearing a copy by registered mail. Within ten days after the date of publication in the Federal Register, any interested person or the Sugar Division may object to any matter set out in the tentative findings of fact, conclusions, and order and shall transmit such objection in writing to the Hearing Clerk. At the same time, such interested person or the Sugar Division shall transmit in writing a brief statement concerning each of the objections taken to the action of the presiding officer at the hearing, as set out in Sec. 801.26, upon which he or it wishes to rely, referring, where relevant, to the pages of the transcript of evidence. As soon as practicable after the close of such ten-day period, the presiding officer shall consider any objection that may have been filed and shall make such modification of the tentative findings of fact, conclusions, and order as he may deem necessary. The presiding officer shall then transmit to the Secretary the record of the proceedings. Such record shall include: a transcript of the evidence taken at the hearing; such written arguments and suggested findings of fact as may have been filed in connection with the hearing; the tentative findings of fact, conclusions, and order, and the objections filed thereto, if any; the statements concerning the objections taken to the ruling of the presiding officer at the hearing; and any modifications of the tentative findings of fact, conclusions, and order which the presiding officer may deem necessary.

Sec. 801.33. Oral argument. Unless the presiding officer shall issue an announcement authorizing oral argument before him, it shall not be permitted.

#### ISSUANCE OF FINAL ORDER

Sec. 801.34. Order of procedure. The Secretary, within a reasonable time after the receipt of the record from the presiding officer, as provided in Sec. 801.32, will, on the basis of such record, and after careful consideration of the same by him, make findings of fact based upon substantial evidence contained in such record and issue a final order.

Sec. 801.35. Notice of issuance of order of allotment. Whenever any final order of the Secretary allotting any quota, or any proration thereof, or revising or amending any existing allotment, is issued, a duplicate thereof shall thereupon be filed with the Hearing Clerk for public inspection and such order shall be published in the Federal Register.

Sec. 801.36. Copies of allotment orders. Upon application to the Hearing Clerk, any person shall be entitled to a copy of any final order allotting any quota or any proration thereof.

#### REVISION OR AMENDMENT OF EXISTING ALLOTMENT ORDERS

Sec. 801.37. Order of procedure. The procedure provided in these regulations shall be applicable to a hearing for the purpose of revising or amending any existing allotment order, except that no tentative findings of fact, conclusions, and order shall be required.



# RESCISSION OF PRIOR GENERAL SUGAR REGULATIONS

Sec. 801.38.. Rescission of prior regulations. These regulations (Secs. 1 to 19) shall supersede General Sugar Regulations, Series 2, No. 2, issued September 21, 1937.

## PUBLIC NOTICE OF FOREGOING REGULATIONS

Sec. 801.39.. How given. Public notice of the issuance of the foregoing regulations shall be given by publication in the Federal Register.

(SEAL)

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 3d day of February, 1939.

H. A. Wallace,  
Secretary of Agriculture.



## UNITED STATES DEPARTMENT OF AGRICULTURE

## AGRICULTURAL ADJUSTMENT ADMINISTRATION

WASHINGTON, D. C.

(General Sugar Regulations Series 2, No. 3)

## ENTRY OF SUGAR INTO THE CONTINENTAL UNITED STATES FOR RE-EXPORT

## GENERAL SUGAR REGULATIONS MADE BY THE SECRETARY OF AGRICULTURE UNDER THE SUGAR ACT OF 1937

UNITED STATES DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1937, approved September 1, 1937, I, H. A. Wallace, Secretary of Agriculture, in order to carry out the powers vested in me by the said act, do hereby make, prescribe, publish, and give public notice of these regulations, which shall have the force and effect of law and shall continue in force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture.

## ARTICLE I—DEFINITIONS

SECTION 100. As used in these regulations:

(a) The term "Act" means the Sugar Act of 1937, approved September 1, 1937.

(b) The term "person" means any individual, partnership, corporation, or association.

(c) The term "Secretary" means the Secretary of Agriculture of the United States.

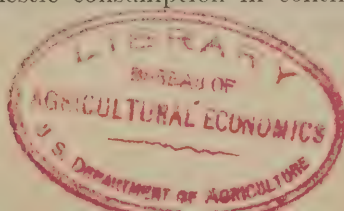
(d) The term "quota" means any quota fixed by the Secretary pursuant to the Act.

(e) The term "allotment" means any allotment of any quota or proration thereof made by the Secretary pursuant to section 205 (a) of the Act.

ARTICLE II—IMPORTING SUGAR OR LIQUID SUGAR EX-QUOTA BY  
FURNISHING BOND

SECTION 200. Upon the furnishing of a bond as provided in section 201 hereof, the following sugar or liquid sugar from any foreign country, or from any sugar-producing area outside of continental United States, may be brought or imported into continental United States despite the quantities of sugar or liquid sugar already charged against the applicable quota or allotment and without being charged against such quota or allotment:

(a) Sugar or liquid sugar imported into continental United States for the purpose of being processed and exported as sugar or liquid sugar, and not to be used for domestic consumption in continental United States;

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(b) Sugar or liquid sugar released from United States Customs custody and control for the sole purpose of being processed and returned thereto; and

(c) Sugar or liquid sugar imported into continental United States to be manufactured into articles to be exported from continental United States with benefit of drawback, or to be designated as the basis of a claim for drawback.

SEC. 201. Before any of the sugar or liquid sugar described in section 200 hereof shall be released from the United States Customs custody and control in excess of, or without being charged against, the applicable quota or allotment, the importer, consignee, owner of, or other person interested in, such sugar or liquid sugar shall furnish a bond with a surety or sureties satisfactory to the Secretary in such amount as the Secretary or his agent shall determine, or shall provide such other security as the Secretary or his agent shall determine, conditioned as follows:

(a) With respect to sugar or liquid sugar imported for the purpose of being processed by a processor and exported as sugar or liquid sugar from, and not to be used for domestic consumption in, continental United States, the condition shall be that the sugar or liquid sugar imported in the original or processed form, or an equivalent amount of sugar or liquid sugar processed by such processor, shall be delivered to such person or persons as the Secretary or his agent may designate for identification and inspection prior to exportation, and shall be actually exported from continental United States or destroyed within six months or such lawful extension of such time as the Secretary or his agent shall specify. In the event that the sugar or liquid sugar is exported with benefit of drawback, and inspection and identification by the collector of customs for purposes of drawback regulations is made, no further identification and inspection is required.

(b) With respect to sugar or liquid sugar released from United States Customs custody and control for the sole purpose of being processed by a processor and returned thereto, the condition shall be that such sugar, or an equivalent amount of sugar, or that such liquid sugar, or an equivalent amount of liquid sugar, processed by such processor, shall be returned to the United States Customs custody and control or destroyed within one month or such lawful extension of such time as the Secretary or his agent shall specify.

(c) With respect to sugar or liquid sugar imported to be used in the manufacture or production of articles to be exported with benefit of drawback, or which is to be designated as the basis for the allowance of drawback (including irrecoverable waste), the condition shall be that, within three years from the date of importation, such sugar or liquid sugar or an equivalent amount thereof shall have been exported as shown by (1) the allowance of a claim or claims for drawback, or (2) other proof of exportation satisfactory to the Secretary, or that such sugar or liquid sugar or an equivalent amount of such sugar or liquid sugar available for a drawback claim, or claims, shall have been destroyed; except that the Secretary or his agent may, under appropriate terms, permit release of any such bond or other security upon allowance of drawback based on a designation of other sugar or liquid sugar.



SEC. 202. Any bond or other security given under this article shall be further conditioned upon payment to the United States of America of all United States Customs Bureau expenses of supervision and control, if any, during the time such sugar or liquid sugar is within continental United States under the authority of these regulations.

SEC. 203. The Secretary or his agent may cancel or release any bond or other security given under this article if, upon the sale or transfer of such sugar or liquid sugar or the sugar or liquid sugar designated for drawback claim, or any part thereof, the purchaser or other person having an interest therein shall furnish in substitution a bond with good and sufficient sureties, or other acceptable security covering such sugar or liquid sugar or such part thereof as may be sold or transferred.

### ARTICLE III—CHARGING OF QUOTA UPON FORFEITURE OF BOND

SECTION 300. Upon the forfeiture of any bond or security given pursuant to article II, the quota for the country or area in which such sugar or liquid sugar originated and the allotment to which it would be chargeable if brought in or imported at the time of the forfeiture shall be charged as of the time of forfeiture with the amount of such sugar or liquid sugar, and to the extent that such sugar or liquid sugar exceeds the quota of such country or area, or the chargeable allotment, the forfeiture of the bond shall constitute a violation of the quota and/or allotment regulations or orders issued under the Act, and the person who has furnished such bond shall be subject to the penalties prescribed by sections 504 and 506 of the Act, insofar as said penalties may exceed the sum so forfeited under any such bond.

### ARTICLE IV—CREDITS UPON EXPORTATION OF SUGAR OR LIQUID SUGAR

SECTION 400. If any sugar or liquid sugar imported into continental United States from any country is charged at the time of importation against any quota and such sugar or liquid sugar in original or processed form, or an equivalent amount of sugar or liquid sugar, is exported from continental United States and not used for consumption therein, or such sugar or liquid sugar is exported with benefit of drawback, or a claim or claims for drawback is or are allowed upon the basis of a designation of the imported sugar or liquid sugar, the amount of sugar or liquid sugar so exported shall, as of the date of exportation, be credited to the current quota unless such exportation is in compliance with a condition of a bond issued pursuant to section 201 hereof.

### ARTICLE V—REPORTS

SECTION 500. The United States Customs Bureau is authorized to require from any refiner, manufacturer, processor, handler, importer, consignee, owner, or other person interested in such sugar or liquid sugar in the importation, processing, or exportation thereof, such declarations, certificates, invoices, oaths, and other documents which may be necessary to carry out the provisions of these regulations.



## ARTICLE VI—DESIGNATION OF CHIEF OF SUGAR SECTION AS AGENT

SECTION 600. The Chief or Acting Chief of the Sugar Section, Agricultural Adjustment Administration, is hereby designated as the agent of the Secretary to administer these Regulations but notwithstanding this designation the Secretary may appoint other agents to administer these Regulations. Any agent appointed under this section or the collector of customs responsible for the release from customs custody of any sugar bonded under these Regulations shall be a proper person to approve or cancel any bond given under these Regulations.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 29th day of September 1937.

*H. A. Wallace*

*Secretary of Agriculture.*



DEC 2 1938

UNITED STATES DEPARTMENT OF AGRICULTURE

AGRICULTURAL ADJUSTMENT ADMINISTRATION

WASHINGTON, D. C.

(General Sugar Regulations Series 2, No. 4)

AMENDMENT TO ORDERS, REGULATIONS AND DETERMINATIONS UNDER THE SUGAR ACT OF 1937

GENERAL SUGAR REGULATIONS MADE BY THE SECRETARY OF AGRICULTURE UNDER THE SUGAR ACT OF 1937

UNITED STATES DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY.

Pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1937, I, H. A. WALLACE, Secretary of Agriculture, do hereby amend all orders, regulations and determinations issued by the Secretary of Agriculture, pursuant to the Sugar Act of 1937, by striking out the words "Sugar Section", "Sugar Section, Agricultural Adjustment Administration", and "Sugar Section of the Agricultural Adjustment Administration", wherever they appear and inserting in lieu thereof the words "Sugar Division".



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 8th day of November, 1938.

*H A Wallace*  
Secretary of Agriculture.

continental United States may be shipped, transported, or marketed upon the following conditions:

(a) That such sugar is shipped or transported by the processor for storage purposes only to another warehouse owned or leased by him, or to a bonded warehouse approved by the Secretary, and, in the latter case, that the processor obtains from the warehouseman a written agreement to hold such sugar until the beginning of the next calendar year unless the Secretary authorizes an earlier release; and

(b) That at the time of such marketing the processor is the owner of an equivalent amount of quota sugar produced in the same area, or else has entered into a contract for the purchase of an equivalent amount of such sugar and takes delivery thereof at the commencement of the current crop, but not later than December 1 of the current year, and holds such sugar as excess-quota sugar until the beginning of the next calendar year.

**SEC. 4. Cancellation of bond.**—The Secretary may cancel or release any bond given under section 2 hereof to the extent that such cancellation or release is necessary to permit the marketing of any increase in the applicable quota or in the allotment made to the person furnishing such bond.

**SEC. 5. Designation of agent.**—The Chief or the Acting Chief of the Sugar Division of the United States Department of Agriculture, and the officer in charge of the Baton Rouge office of the Agricultural Adjustment Administration or the acting officer in charge thereof, are hereby designated to act, jointly or severally, as agents of the Secretary in administering the provisions of these regulations, except that the authority of the latter shall extend only to the application of such provisions to sugar produced from sugarcane.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 24th day of May 1939.

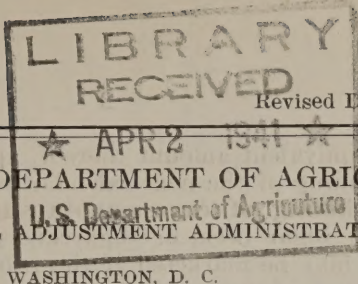
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H. A. WALLACE,  
*Secretary of Agriculture.*



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G. S. R. Series 2, No. 5



UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
WASHINGTON, D. C.

General Sugar Regulations Series 2, No. 5, Revised

HANDLING OF EXCESS-QUOTA SUGAR IN THE CONTINENTAL  
UNITED STATES

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1937, as amended, I, Claude R. Wickard, Secretary of Agriculture, in order to carry out the powers vested in me by the said act, do hereby make, prescribe, publish, and give public notice of these regulations, which shall have the force and effect of law and shall continue in force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture.

SECTION 1. **Definitions.**—As used in these regulations:

- (a) The term "act" means the Sugar Act of 1937, as amended;
- (b) the term "Secretary" means the Secretary of Agriculture of the United States;
- (c) the term "quota" means the quota fixed by the Secretary for the mainland cane sugar area and for the domestic beet sugar area pursuant to the act;
- (d) the term "allotment" means any allotment of the quota made by the Secretary pursuant to section 205 (a) of the act;
- (e) the term "processor" means any person engaged in the manufacture of sugar from sugar beets or sugarcane grown in the continental United States; and
- (f) the term "excess-quota sugar" means all sugar owned by a processor after the allotment for such processor for the current year has been filled, or, if no allotment has been made, all sugar owned by a processor after the applicable quota for the current year has been filled.

SEC. 2. **Processing excess-quota sugar under bond.**—Excess-quota sugar produced from sugarcane grown in the continental United States may be marketed for further processing upon the following conditions:

- (a) That the processor file with the Secretary an application setting forth adequate reasons regarding the necessity for such marketing and full information regarding the quantity and type of sugar, approximate polarization, identification marks, and the place where the sugar is stored; and
- (b) that the person to whom the sugar is delivered shall furnish a bond, with a surety or sureties satisfactory to the Secretary and in such amount as the Secretary shall determine, obligating such person to segregate physically the sugar within 30 days, or such shorter period as may be designated by the Secretary, and to hold such

sugar, or an equivalent amount thereof, apart from all other sugar until the beginning of the next calendar year.

**SEC. 3. Marketing of excess-quota sugar.**—Excess-quota sugar produced from sugar beets or sugarcane grown in the continental United States may be marketed if the processor is the owner of an equivalent amount of quota sugar produced in the same area, or else has entered into a contract for the purchase of an equivalent amount of such sugar and takes delivery thereof at the commencement of the current crop, but not later than December 1 of the current year, and holds such sugar until the beginning of the next calendar year.

**SEC. 4. Cancellation of bond.**—The Secretary may cancel or release any bond given under Section 2 hereof to the extent that such cancellation or release is necessary to permit the marketing of any increase in the applicable quota or in the allotment made to the person furnishing such bond.

**SEC. 5. Designation of agent.**—The Chief, or the Acting Chief, of the Sugar Division of the Agricultural Adjustment Administration and the officer in charge of the Baton Rouge office of the Agricultural Adjustment Administration, or the acting officer in charge thereof, are hereby designated to act, jointly or severally, as agents of the Secretary in administering the provisions of these regulations, except that the authority of the latter shall extend only to the application of such provisions to sugar produced from sugarcane.

**SEC. 6. Rescission of prior regulations.**—These regulations shall supersede General Sugar Regulations, Series 2, No. 5, issued May 24, 1939.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 18th day of December 1940.

[SEAL]

CLAUDE R. WICKARD,  
*Secretary of Agriculture.*